8th September 1928]

The hon. the PRESIDENT :—" The hon. Member Mr. Satyamurti is requested to resume his seat."

* The hon. Mr. M. R. SETURATNAM AYYAR :—" A word of personal explanation, Sir. I had discussion with almost all the hon. Members who gave notice of the amendments and I took down notes of their points for my reply. The Secretary did not prepare the note." 4-45 p.m.

Mr. S. SATYAMURTI :—" I am not concerned with that.'

* The hon. the PRESIDENT :—" We are not concerned with who prepared the note. The hon. Member is requested to confine his remarks to the merits of the amendment."

* Mr. S. SATYAMURTI :—" My complaint is that there is no reply by the Government after listening to the arguments coming from such a weighty source as the ex-Minister in charge of the department. It becomes almost a farce if the hon. the Minister were to come here with a set of arguments ready before we are able to place our arguments for the hon. Members of the Treasury Bench. Therefore I say that the amendment has not been replied to in the manner in which an amendment ought to be replied to. Now what is the amendment ? It is that the previous permission of this Council ought to be taken before the Government seek to regulate fisheries in tidal rivers. My hon. Friend says, as a responsible Minister, that Government can be trusted to do these things quite properly, and they ought to be unhampered in the discharge of their duties. May I ask 'are we in the Montagu-Chelmsford days, or are we living in the pre-Christian era, when the Government feel that any discussion in the Legislative Council was hampering the discretion of the executive ? Is that a new theory of Ministerial responsibility which the hon. Member for Trichinopoly is laying down for the benefit of the future generations ? If the Government think that they place certain rules before the House, it will be hampering the discretion of the Government, it will be insulting the House. I do not think any hon. Member can take that insult lying down. Is it even correct ? Has not this House the same sense of responsibility which the hon. the Minister claims for himself ?

" Secondly, he says with gusto that the Government can be expected to behave well. There is no greater bureaucrat who has been in the steel frame of India. He has crossed the floor recently and has in six months become a seasoned bureaucrat telling us that Government ought to be left unhampered.

" Seriously speaking, Mr. President, it seems to me that we are not met by arguments against our arguments, but are merely asked to accept the wisdom of the bureaucracy, and the hampering nature of the Council. Therefore I do earnestly appeal to every section to teach the Minister his place that he must either meet this House seriously, accept its wishes or at least answer arguments by counter-arguments. We cannot stand the nonsense any longer that he represents the last word in the gubernatorial wisdom. I ask the House to accept the amendment."

The hon. the PRESIDENT :—" The question is in the amendment of the hon. the Advocate-General in line (2) after 'chank fishery' *insert* 'or to any fishery in a tidal river.' "

The amendment was put to the House and declared lost.

[8th September 1928

A poll was demanded and the House divided thus :—

Ayes.

1\. Mr. Sami Venkatachalam Chetti.
2\. ,, S. Satyamurti.
3\. ,, C. V. Venkataramana Ayyangar.
4\. ,, J. A. Saldanha.
5\. ,, Abdul Hamid Khan.
6\. ,, C. S. Govindaraja Mudaliyar.
7\. ,, G. Harisarvottama Rao.
8\. ,, C. N. Muthuranga Mudaliyar.
9\. ,, D. Narayana Raju.
10\. Dr. B. S. Mallayya.
11\. Mr. K. R Karant.
12\. ,, C. Obi Reddi.
13\. ,, A. Parasurama Rao.
14\. ,, C. Ramasomayajulu.
15\. ,, Basheer Ahmad Sayeed.
16\. Mr. P. Bhaktavatsulu Nayudu.
17\. Sriman Biswanath Das Mahasayo
18\. Mr. A. Kaleswara Rao.
19\. ,, R. Srinivasa Ayyangar.
20\. ,, L. K. Tulasiram.
21 ,, C. Venkatarangam Nayudu.
22\. ,, K. S. Sivasubrahmanya Ayyar.
23\. ,, A. Ranganatha Mudaliyar.
24\. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
25\. Mr. Ramanath Goenka.
26\. ,, R. Nagan Gowda.
27\. The Zamindar of Gollapalli.
28\. Mr. C. R. Parthasarathi Ayyangar.
29\. ,, K. R. Venkatarama Ayyar.

Noes.

1\. The hon. Sir Norman Marjoribanks.
2\. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3\. ,, Mr. T. E. Moir.
4\. ,, Diwan Bahadur M. Krishnan Nayar.
5\. ,, Mr. M. R. Seturatnam Ayyar.
6\. ,, Mr. S. Muthiah Madaliyar.
7\. ,, Dr. P. Subbarayan.
8\. Rao Bahadur C. V. Anantakrishna Ayyar.
9 Mr. C. B. Cotterell.
10\. ,, C. A. Souter.
11\. ,, S. H. Slater.
12\. ,, A. McG. C. Tampoe.
13\. ,, C. W. E. Cotton.
14\. ,, V. Ch. John.
15\. ,, M. A. Manikkavelu Nayakar.
16\. Syed Tajudin Sahib Bahadur.
17\. Mr. W. P. A. Soundara Pandia Nadar.
18\. ,, S. Subrahmanya Moopanar.
19\. ,, Daniel Thomas.
20\. Mr. S. Venkiah.
21\. ,, Syed Ibrahim Sahib.
22 ,, J. Kuppuswami.
23\. Subadar Major S. A Nanjappah.
24\. Mr. K. Krishnan.
25\. ,, N. Siva Raj.
26\. ,, M. V. Gangadhara Siva.
27\. ,, V. I. Muniswami Pillai.
28\. ,, A. B. Shetty.
29\. ,, J. Bheemayya.
30\. ,, R. Foulkes.
31\. ,, P. J. Gnanavaram Pillai.
32\. ,, V Ramjee Rao.
33\. ,, G. R. Premayya.
34\. ,, A. S. Sahajananda Swami.
35\. ,, K. Ramachandra Padayachi.
36\. Rao Sahib R. Srinivasan.
37\. Mr. Kenneth Kay.
38\. Diwan Bahadur P. C. Ethirajulu Nayudu.
39\. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.

Neutral.

1\. Mr. S. N. Dorai Raja.
2\. The Zamindar of Kallikota.
3\. The Raja of Panagal.
4\. Mr. P. T. Rajan.
5\. Mr. Kadir Mohideen Sahib.
6\. Rao Bahadur K. Sitarama Reddi.
7\. The Zamindar of Mirzapuram.

Ayes 29. Noes 39. Neutral 7.

The amendment was lost.

The hon. the PRESIDENT :—" I now put the amendment of the hon. the Advocate-General to the vote of the House."

The amendment was put to the House and declared carried.

8th September 1928]

A poll was demanded and the House divided as follows :—

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Syed Tajudin Sahib Bahadur.
9. Mr. M. A. Manikkavelu Nayakar.
10. ,, V. Ch. John.
11. ,, C. W. E. Cotton.
12. ,, A. McG. C. Tampoe.
13. ,, S. H. Slater.
14. ,, C. A. Souter.
15. ,, C. B. Cotterell.
16. Rao Bahadur C. V. Anantakrishna Ayyar
17. Mr. P. J. Gnanavaram Pillai.
18. ,, R. Foulkes.
19. ,, J. Bheemayya.
20. ,, A B. Shetty.
21. Mr. V. I. Muniswami Pillai.
22. ,, M. V. Gangadhara Siva.
23. ,, N. Siva Raj.
24. ,, K. Krishnan.
25. Subadar-Major S. A. Nanjappa.
26. Mr. J. Kuppuswami.
27. ,, W. P. A. Soundara Pandia Nadar.
28. ,, S Subrahmanya Moopanar.
29. ,, Daniel Thomas.
30. ,, S. Venkiah.
31. ,, Syed Ibrahim Sahib.
32. ,, Kenneth Kay.
33. Rao Sahib R. Srinivasan.
34. Mr. K. Ramachandra Padayachi.
35. ,, A. S. Sahajananda Swami.
36. ,, G. R. Premayya.
37. ,, V. Ramjee Rao.
38. The Raja of Panagal.
39. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
40. Muhammad Khadir Mohideen Sahib Bahadur.

Noes.

1. Mr. Sami Venkatachalam Chetti.
2. ,, C. S. Govindaraja Mudaliyar.
3. ,, D. Narayana Raju.
4. Dr. B. S. Mallayya.
5. Mr. P. Bhaktavatsulu Nayudu.
6. Sriman Biswanath Das Mahasayo.
7. Mr. A. Kaleswara Rao.
8. ,, L. K. Tulasiram.

Ayes 40. Noes 8.

The amendment was carried

Clause 3 as amended was put to the House and carried.

Clause 4.

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—" Sir, I wish to make a formal amendment. I move that in line 2, after the word 'added' insert the word 'namely.' "

The amendment was put to the House and carried.

Clause 4 as amended was then put and carried.

The preamble was put to the House and carried.

The hon. Mr. M. R. SETURATNAM AYYAR :—" I now move, Sir, that the Bill as amended be passed into law."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The motion was put to the House and carried and the Bill as amended was passed into law.

The hon. the PRESIDENT :—" The Council will now adjourn and reassemble on 8th October at 11 a m."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

[8th September 1928

Appendix I.

[Vide answer to question No. 225 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 8th September 1928, page 426 supra.]

(1)

Endorsement of the Board of Revenue (Land Revenue and Settlement), No. F. 678/28, dated 13th February 1928.

Read—the following paper :—

Letter from A. R. MacEwen, Esq., m.c., I.C.S., Special Settlement Officer, Party No. IV, dated the 4th February 1928, R.O.C. No. 49/R & C/28-2.

[Reference—Board's Ref. No. F. 678/28-1, dated 26th January 1928.]

I have the honour to report that I have had the facts relating to the rough patta objection hearing investigated and I submit that the questions may be answered as follows :—

"(*a*) The expression 'applications posted for hearing' is not clear. Twenty-seven petitions were presented on 17th December 1927 by ryots of this village.

(*b*) and (*d*) The formal notification for this village was published in the District Gazette for November 1927, issued to the public on 24th November 1927. All the 110 pattas were issued to the ryots; they were handed over to the potail on 2nd December 1927.

(*c*) The potail sent Mr. Sudekar Thimmapayya's patta three times to his house; the pattadar was absent and his son refused to accept the patta, which was finally served on a tenant, *faute de mieux* on 16th December 1927.

(*e*) The rules in force prescribe a minimum of ten days: the pattas were given to the potail 15 days before the hearing.

(*f*) Please see (*c*) above: the facts are taken from the 'patta delivery book' and from the potail's report.

(*g*), (*h*) and (*i*) There was one such petition, which did not emanate from Mr. Sudekar Thimmapayya and an adjournment was refused. Special Deputy Tahsildars of necessity must adhere to a strict programme; but the Special Assistant Settlement Officer in Kasaragod taluk accepts subsequent petitions up to the date of his own inspection which is at least a month after the date of the hearing."

2. *Questions* (*j*) and (*k*) are matters of the general policy of Government.

Board's Endorsement No. F. 678/28, *dated* 13*th February* 1928.

Submitted to Government with reference to their Memorandum No. 84-E/28-1, dated 23rd January 1928.

2. *Clause* (*j*) *of the Legislative Council Question.*—The question of prescribing a definite procedure for delivering rough pattas and obtaining acknowledgments is under the consideration of the Board separately.

3. *Clause* (*k*) *of the Legislative Council Question.*—Sketches of resurvey fields are not required for preferring objections to rough pattas; they are required only for objections to the resurvey and these can be made for three months after the receipt of the notices under section 9 (2) of the Survey Act which are issued much later than the rough pattas.

8th September 1928]

(2)

Memorandum No. 84-E/28-2, *dated* 28*th February* 1928, *of the Revenue Department, to the Board of Revenue* (*Land Revenue and Settlement*).

[Legislative Council Question—Settlement—Resettlement—South Kanara district—Old Kasaragod taluk—Narikombu village—Rough patta objection hearing—Board's Endorsement No. F. 678/28, dated 13th February 1928.]

In Official Memorandum No. 84-E/28–1, dated 23rd January 1928, a copy of the Legislative Council Question No. 1578 was forwarded to the Board of Revenue and it was requested to furnish the information necessary to enable a full answer to be given to the question. The Board has forwarded the Special Settlement Officer's remarks on the several clauses of the questions. These remarks do not in all cases contain the information necessary to enable a full answer to be given to the several clauses of the question. The Board is requested to report with reference to clauses (*b*) and (*d*) of the question when the 110 pattas issued on the ryots: with reference to clause (*f*) whether any record actually exists and if so what record to show whether these 110 pattas were served formerly on the ryots or in their absence through members of their household or otherwise: and with reference to clauses (*g*), (*h*) and (*i*), whether adjournments are ever allowed in the case of rough patta objections and if so, for what sort of reasons. The Board is also requested to explain the nature of the patta delivery book to which it has referred.

(3)

Endorsement of the Board of Revenue (*Land Revenue and Settlement*), *No. F.* 1523/28, *dated* 20*th March* 1928.

Read—the following paper :—

Letter from A. R. MacEwen, Esq., M.C., I.C.S., Special Settlement Officer, Party No. IV, dated the 13th March 1928, R.O.C. No. 95/B & C/28-1.

[Reference—Board's Ref. No. F. 1523/28–1, dated 2nd March 1928.]

I have the honour to report as follows on the four further points raised in the above Board's reference :—

(1) Of the 110 pattas, 89 had been delivered a week before the date of hearing and the delivery of the remainder was finished by the day before the hearing. The full details are as follows :—

3rd December	11
5th ,, ...	3
6th ,, ...	23
7th ,, ...	28
8th ,, ...	8
9th ,, ...	14
10th ,, ...	2
11th ,, ...	2
12th ,, ...	1
14th ,, ...	2
15th ,, ...	7
16th ,, ...	9
Total ...	110

[8th September 1928

(2) From the patta distribution list [please see under (4) below], it is seen that the actual pattadars have signed in 38 cases : in 21 cases the parties are women or minors and male relatives or guardians have signed for them ; in the other 51 cases information as to the relationship of the recipients is not available.

(3) The hearings are held by Special Deputy Tahsildars who have to keep to a fixed programme published beforehand ; the granting of adjournments would disorganize their programme and they are refused ; but, as I pointed out in my previous reference, it is also open to parties to apply to the Special Assistant Settlement Officer in the interval between the rough patta objection hearing and his inspection.

(4) The patta distribution book or patta distribution list is issued to the village officers with rough pattas and they are required to note in it the date of delivery of each patta and to get the signature of the person to whom it is delivered. This has been in use in this Party for a long time and the Board (Mis. No. 707, dated 27th February 1928) has approved of it for general use

---

Endorsement No. F. 1523/28, *dated* 20*th March* 1928.

Submitted to Government with reference to their Memorandum No. 84-E/28-2, dated 28th February 1928. The form of the patta distribution book in use in the Party is given below :—

Form No. I.

Patta distribution list of village No. taluk district.

Patta number. (1)	Name of pattadar. (2)	Date of delivery of patta. (3)	Signature of the pattadar or signature and designation of the person receiving the patta on behalf of the pattadar. (4)	Remarks. (5)